

REMARKS

The Office Action mailed February 27, 2008 set an initial one month or thirty (30) day period for response, whichever is longer. Accordingly, since 2008 is a leap year with February having twenty-nine (29) days, this Response is timely filed without extension of time up to March 28, 2008.

The Office Action mailed February 27, 2008 required restriction between Groups I to VII.

In response to the Examiner's restriction requirement, Applicants provisionally elect the invention of Group I, Claims 129 to 161, with traverse.

With regard to the Examiner's discussion of PCT Rule 13.2 in the present Office Action. Applicants note that although PCT Rule 13.2 may be applicable to examination of a PCT application during the International Phase, the present application has now entered the U.S. National Phase under 35 U.S.C. § 371 and United States patent practice is applicable. Applicants question the pertinency of the Examiner's discussion of PCT Rules 13.1 and 13.2 in support of the present restriction requirement.

Also, Applicants note that the Examiner appears to support her lack of unity position by citation of art (Wang, *et al.* US 2003/0055113).

Applicants submit that claims 129 to 171 are sufficiently related to be properly examined together and without undue burden on the Examiner.

In general, in addition to the element of burden, restriction requirements are proper where (1) the application recites two or more independent inventions, (2) the application recites two or more patentably distinct inventions, or (3) the application recites two or more patentably distinct species without an allowable generic claim encompassing the species. Applicants respectfully submit that the Examiner has not provided a *prima facie* case in support of restriction.

The Patent Office can make a *prima facie* showing of serious burden by demonstrating that the related inventions: (1) are separately classified; (2) where they are classified together, have a separate status in the art; or (3) require a different field of search. M.P.E.P. §808.02. This has not been done. Additionally, there is no indication from the February 27, 2008 Restriction Requirement that the grouped inventions have acquired a separate status in the art – whether by their classifications or otherwise. In fact, the Examiner has not indicated classification for the claims. Nor is there any indication that a different field of search be required for the claims of Groups I to VII in light of the related nature of the inventions.

In sum, Applicants respectfully submit that there is no serious burden on the Patent Office to search the art for with regard to the inventions of claims 129 through 171, and request that the restriction requirement be reconsidered and withdrawn.

Applicants note that Group I is directed to compositions comprising a pharmaceutically acceptable carrier and a pharmaceutically acceptable acid addition salt of triethylenetetramine and succinic acid. Groups II to VII are directed to methods of using those compositions.

CONCLUSION

For the reasons set forth above, Applicants request that the Examiner reconsider the restriction requirement and that pending claims 129 through 171 be examined as a whole. Applicants note that, as required, they have provisionally elected the invention of Group I with traverse. The Examiner is encouraged to contact the undersigned if it is believed this would expedite prosecution.

Commissioner is hereby authorized to charge any requisite fees for this submission, or any fees in connection with this application during its entire pendency, or to credit any overpayment, to Deposit Account No. 04-1679.

Dated: March 14, 2008

Respectfully submitted,

By: _____


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